

IN THE SUPREME COURT OF THE STATE OF UTAH

----oo0oo----

Castle Valley Special Service
District, North Emery Water
Users Association, and
Huntington-Cleveland
Irrigation Company,
Petitioners,

vs.

State of Utah Board of Oil,
Gas, and Mining,
Respondents.

State of Utah Division of Oil
Gas & Mining and
C.W. Mining Company d/b/a
Co-op Mining Company (CO-OP),
Intervenors on the
Respondents Side.

REMITTITUR
No. 980174

State of Utah Board of Oil,
Gas & Mining.
No. 95-025

FILED

NOV 03 1998

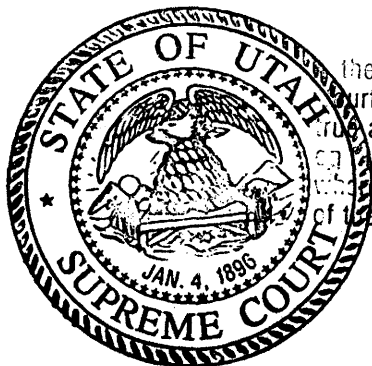
SECRETARY, BOARD OF
OIL, GAS & MINING

Per ORDER OF DISMISSAL.

Order Issued: August 25, 1998

Remittitur Issued: November 2, 1998

Record: None.



I, the undersigned, Clerk of the Utah Supreme Court, do hereby certify that the foregoing is a true and correct copy of an original document on file in the Utah Supreme Court. In testimony whereof, I have set my hand and affixed the seal of the Court.

Pat H. Bartholomew
Pat H. Bartholomew
Clerk of the Court

By *Fannie King*
Deputy Clerk

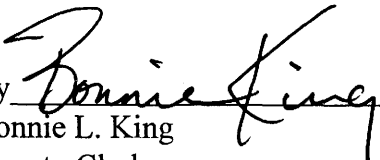
11/2/98
Date

And a true and correct copy of the foregoing REMITTITUR was deposited in the United States mail to the trial court listed below:

JANICE L. BROWN
BOARD OF OIL, GAS AND MINING
1594 W NORTH TEMPLE STE 1210
SALT LAKE CITY, UT 84114-5801

Dated this November 2, 1998.

By



Bonnie L. King
Deputy Clerk

Case No.: 980174-SC
BOARD OF OIL, GAS AND MINING , #95-025

ORIGINAL

FILED

Final

IN THE

AUG 27 1998

UTAH SUPREME COURT

CLERK SUPREME COURT

UTAH

CASTLE VALLEY SPECIAL)	
SERVICE DISTRICT, NORTH)	
EMERY WATER USERS)	
ASSOCIATION, AND)	
HUNTINGTON-CLEVELAND	)	JOINT STIPULATION, MOTION
IRRIGATION COMPANY,	)	AND FINAL ORDER OF DISMISSAL OF
	)	APPEAL WITH PREJUDICE
Petitioners,)	
)	
vs.)	
	)	Supreme Court Case No. 980174
STATE OF UTAH BOARD OF OIL,)	
GAS & MINING,	)	Priority No. 15
)	
Respondent,)	
)	
and)	
)	
STATE OF UTAH DIVISION OF OIL)	
GAS & MINING and C.W. MINING)	
COMPANY dba CO-OP MINING)	
COMPANY,)	
)	
Intervenors on the Respondent Side.)	
)	
)	

Stipulation and Motion

The Stipulating Parties to this Stipulation and Motion are as follows: respondent State of Utah Board of Oil, Gas & Mining (the "Board"); intervenor on the respondent side State of Utah Division of Oil, Gas & Mining ("DOGM"); intervenor on the respondent side C.W. Mining Co. dba Co-Op Mining Company (the "Operator"); petitioner Castle Valley Special

the parties to bear their respective attorneys fees and costs, which stipulated terms are acceptable to the Water Users. Therefore, the Stipulating Parties named above, acting by and through their respective counsel of record, hereby jointly stipulate and jointly move that the Utah Supreme Court enter a Final Order that the Water Users' appeal in this case concerning the Final Board Order is and shall be immediately dismissed with prejudice and on the merits, with the parties to bear their respective attorneys fees and costs.

Dated this 25th day of August, 1998.

UTAH ATTORNEY GENERAL'S OFFICE
The Honorable Jan Graham,
Attorney General of Utah
Patrick J. O'Hara, Esq.,
Assistant Attorney General

By Patrick J. O'Hara
Attorney for Respondent State of Utah Board of Oil,
Gas and Mining
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0857
Telephone: 801-366-0508

Dated this 27th day of August, 1998.

UTAH ATTORNEY GENERAL'S OFFICE
The Honorable Jan Graham,
Attorney General of Utah
Daniel G. Moquin, Esq.,
Assistant Attorney General

By Daniel G. Moquin
Attorney for Intervenor on the Respondent Side
State of Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 300
P.O. Box 140855
Salt Lake City, Utah 84114-0855
Telephone: 801-538-7227

FINAL ORDER OF THE UTAH SUPREME COURT

This Final Order of the Utah Supreme Court in Supreme Court Case No. 980174 is entered based on the foregoing Stipulation and Motion for an order of dismissal with prejudice jointly filed with the Court by respondent State of Utah Board of Oil, Gas & Mining (the "Board"); intervenor on the respondent side State of Utah Division of Oil, Gas & Mining ("DOGM"); intervenor on the respondent side C.W. Mining Co. dba Co-Op Mining Company (the "Operator"); petitioner Castle Valley Special Service District (the "Service District"); petitioner North Emery Water Users Association ("Water Association"); and petitioner Huntington-Cleveland Irrigation Company (the "Irrigation Company"). The Service District, the Water Association and the Irrigation Company collectively are referred to in this Final Order as the "Water Users." The Court finds that the Water Users have appealed from that certain "Final Board Order on the Collateral Estoppel Question" issued March 6, 1998 by the Board in that certain formal adjudicative administrative matter styled as, "In the Matter of the Five Year Permit Renewal, Co-op Mining Company, Bear Canyon Mine, Emery County, Utah, Docket No. 95-025, Cause No. ACT/015/025 (the "Final Board Order"). Based on the terms of the Stipulation and Motion, and acting pursuant to Rule 37(b) of the Utah Rules of Appellate Procedure, and for good cause shown, the undersigned Clerk of the Utah Supreme Court hereby enters this Final Order as follows:

The Water Users' appeal concerning the Final Board Order is and shall be immediately dismissed with prejudice and on the merits, with the parties to bear their respective attorneys fees and costs. Case closed.

LFB

h/b

Cause No.
ACT/015/025

IN THE SUPREME COURT OF THE STATE OF UTAH

----oo0oo----

Castle Valley Special Service
District, North Emery Water
Users Association, and
Huntington-Cleveland
Irrigation Company,
Petitioners,

vs.

State of Utah Board of Oil,
Gas, and Mining,
Respondents.

State of Utah Division of Oil
Gas & Mining and
C.W. Mining Company d/b/a
Co-op Mining Company (CO-OP),
Intervenors on the
Respondents Side.

REMITTITUR
No. 980174

State of Utah Board of Oil,
Gas & Mining.
No. 95-025

FILED

NOV 03 1998

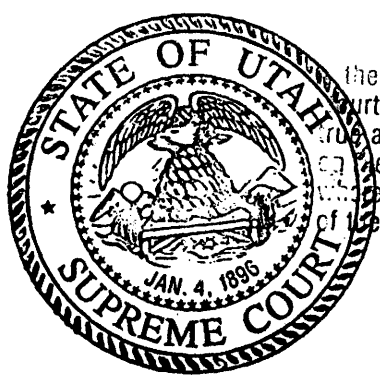
SECRETARY, BOARD OF
OIL, GAS & MINING

Per ORDER OF DISMISSAL.

Order Issued: August 25, 1998

Remittitur Issued: November 2, 1998

Record: None.



I, the undersigned, Clerk of the Utah Supreme Court, do hereby certify that the foregoing is a true and correct copy of an original document filed in the Utah Supreme Court. In testimony whereof, I have set my hand and affixed the seal of the Court.

Pat H. Bartholomew
Pat H. Bartholomew
Clerk of the Court

By Fannie King
Deputy Clerk

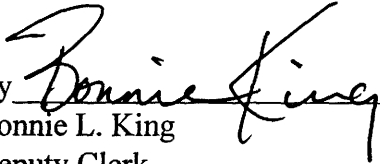
11/2/98
Date

And a true and correct copy of the foregoing REMITTITUR was deposited in the United States mail to the trial court listed below:

JANICE L. BROWN
BOARD OF OIL, GAS AND MINING
1594 W NORTH TEMPLE STE 1210
SALT LAKE CITY, UT 84114-5801

Dated this November 2, 1998.

By


Bonnie L. King
Deputy Clerk

Case No.: 980174-SC
BOARD OF OIL, GAS AND MINING , #95-025

ORIGINAL

FILED

Final

IN THE

AUG 27 1998

UTAH SUPREME COURT

CLERK SUPREME COURT

UTAH

CASTLE VALLEY SPECIAL)	
SERVICE DISTRICT, NORTH)	
EMERY WATER USERS)	
ASSOCIATION, AND)	
HUNTINGTON-CLEVELAND	)	JOINT STIPULATION, MOTION
IRRIGATION COMPANY,	)	AND FINAL ORDER OF DISMISSAL OF
	)	APPEAL WITH PREJUDICE
Petitioners,)	
)	
vs.)	
	)	Supreme Court Case No. 980174
STATE OF UTAH BOARD OF OIL,)	
GAS & MINING,	)	Priority No. 15
)	
Respondent,)	
)	
and)	
)	
STATE OF UTAH DIVISION OF OIL)	
GAS & MINING and C.W. MINING)	
COMPANY dba CO-OP MINING)	
COMPANY,)	
)	
Intervenors on the Respondent Side.)	
)	
)	

Stipulation and Motion

The Stipulating Parties to this Stipulation and Motion are as follows: respondent State of Utah Board of Oil, Gas & Mining (the "Board"); intervenor on the respondent side State of Utah Division of Oil, Gas & Mining ("DOGM"); intervenor on the respondent side C.W. Mining Co. dba Co-Op Mining Company (the "Operator"); petitioner Castle Valley Special

the parties to bear their respective attorneys fees and costs, which stipulated terms are acceptable to the Water Users. Therefore, the Stipulating Parties named above, acting by and through their respective counsel of record, hereby jointly stipulate and jointly move that the Utah Supreme Court enter a Final Order that the Water Users' appeal in this case concerning the Final Board Order is and shall be immediately dismissed with prejudice and on the merits, with the parties to bear their respective attorneys fees and costs.

Dated this 25th day of August, 1998.

UTAH ATTORNEY GENERAL'S OFFICE
The Honorable Jan Graham,
Attorney General of Utah
Patrick J. O'Hara, Esq.,
Assistant Attorney General

By Patrick J. O'Hara
Attorney for Respondent State of Utah Board of Oil,
Gas and Mining
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0857
Telephone: 801-366-0508

Dated this 27th day of August, 1998.

UTAH ATTORNEY GENERAL'S OFFICE
The Honorable Jan Graham,
Attorney General of Utah
Daniel G. Moquin, Esq.,
Assistant Attorney General

By Daniel G. Moquin
Attorney for Intervenor on the Respondent Side
State of Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 300
P.O. Box 140855
Salt Lake City, Utah 84114-0855
Telephone: 801-538-7227

FINAL ORDER OF THE UTAH SUPREME COURT

This Final Order of the Utah Supreme Court in Supreme Court Case No. 980174 is entered based on the foregoing Stipulation and Motion for an order of dismissal with prejudice jointly filed with the Court by respondent State of Utah Board of Oil, Gas & Mining (the "Board"); intervenor on the respondent side State of Utah Division of Oil, Gas & Mining ("DOGM"); intervenor on the respondent side C.W. Mining Co. dba Co-Op Mining Company (the "Operator"); petitioner Castle Valley Special Service District (the "Service District"); petitioner North Emery Water Users Association ("Water Association"); and petitioner Huntington-Cleveland Irrigation Company (the "Irrigation Company"). The Service District, the Water Association and the Irrigation Company collectively are referred to in this Final Order as the "Water Users." The Court finds that the Water Users have appealed from that certain "Final Board Order on the Collateral Estoppel Question" issued March 6, 1998 by the Board in that certain formal adjudicative administrative matter styled as, "In the Matter of the Five Year Permit Renewal, Co-op Mining Company, Bear Canyon Mine, Emery County, Utah, Docket No. 95-025, Cause No. ACT/015/025 (the "Final Board Order"). Based on the terms of the Stipulation and Motion, and acting pursuant to Rule 37(b) of the Utah Rules of Appellate Procedure, and for good cause shown, the undersigned Clerk of the Utah Supreme Court hereby enters this Final Order as follows:

The Water Users' appeal concerning the Final Board Order is and shall be immediately dismissed with prejudice and on the merits, with the parties to bear their respective attorneys fees and costs. Case closed.

ORIGINAL

FILED

Final

IN THE

AUG 27 1998

UTAH SUPREME COURT

CLERK SUPREME COURT

UTAH

CASTLE VALLEY SPECIAL
SERVICE DISTRICT, NORTH
EMERY WATER USERS
ASSOCIATION, AND
HUNTINGTON-CLEVELAND
IRRIGATION COMPANY,

Petitioners,

vs.

STATE OF UTAH BOARD OF OIL,
GAS & MINING,

Respondent,

and

STATE OF UTAH DIVISION OF OIL
GAS & MINING and C.W. MINING
COMPANY dba CO-OP MINING
COMPANY,

Intervenors on the Respondent Side.

JOINT STIPULATION, MOTION
AND FINAL ORDER OF DISMISSAL OF
APPEAL WITH PREJUDICE

Supreme Court Case No. 980174

Priority No. 15

Stipulation and Motion

The Stipulating Parties to this Stipulation and Motion are as follows: respondent State of Utah Board of Oil, Gas & Mining (the "Board"); intervenor on the respondent side State of Utah Division of Oil, Gas & Mining ("DOGM"); intervenor on the respondent side C.W. Mining Co. dba Co-Op Mining Company (the "Operator"); petitioner Castle Valley Special

m-coop2.898

-1-

FILED

SEP 08 1998

SECRETARY, BOARD OF
OIL, GAS & MINING

GENERAL
DIVISION

Service District (the "Service District"); petitioner North Emery Water Users Association ("Water Association"); and petitioner Huntington-Cleveland Irrigation Company (the "Irrigation Company"). The Service District, the Water Association and the Irrigation Company collectively are referred to in this Stipulation and Motion as the "Water Users."

In this appeal, the Water Users have appealed from that certain, "Final Board Order on the Collateral Estoppel Question" issued March 6, 1998 by the Board in that certain formal adjudicative administrative matter before the Board styled as, "In the Matter of the Five Year Permit Renewal, Co-op Mining Company, Bear Canyon Mine, Emery County, Utah", Board Docket No. 95-025, Cause No. ACT/015/025 (the "Final Board Order").

After the Board entered the Final Board Order, the Water Users learned that DOGM has ordered the Operator to undertake certain additional hydrological investigations which the Water Users believe will result in better and more accurate hydrological data regarding the impacts, if any, of coal mining in the vicinity of Birch Springs and Big Bear Springs. For that reason, the Water Users have decided that they now desire voluntarily to withdraw their appeal from the Final Board Order. The Stipulating Parties note that Rule 37(b) of the Utah Rules of Appellate Procedure states:

(b) Voluntary dismissal. If the parties to an appeal or other proceeding shall sign and file with the clerk an agreement that the proceeding be dismissed, specifying the terms as to payment of costs and shall pay whatever fees are due, the clerk shall enter an order of dismissal, unless otherwise directed by the court. An appeal may be dismissed on motion of the appellant upon such terms as may be agreed upon by the parties or fixed by the court.

Id. The Board, DOGM, and the Operator do not oppose the Water User's voluntary dismissal so long as the order of dismissal states that the dismissal is with prejudice and on the merits, with

the parties to bear their respective attorneys fees and costs, which stipulated terms are acceptable to the Water Users. Therefore, the Stipulating Parties named above, acting by and through their respective counsel of record, hereby jointly stipulate and jointly move that the Utah Supreme Court enter a Final Order that the Water Users' appeal in this case concerning the Final Board Order is and shall be immediately dismissed with prejudice and on the merits, with the parties to bear their respective attorneys fees and costs.

Dated this 25th day of August, 1998.

UTAH ATTORNEY GENERAL'S OFFICE
The Honorable Jan Graham,
Attorney General of Utah
Patrick J. O'Hara, Esq.,
Assistant Attorney General

By Patrick J. O'Hara
Attorney for Respondent State of Utah Board of Oil,
Gas and Mining
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0857
Telephone: 801-366-0508

Dated this 27th day of August, 1998.

UTAH ATTORNEY GENERAL'S OFFICE
The Honorable Jan Graham,
Attorney General of Utah
Daniel G. Moquin, Esq.,
Assistant Attorney General

By Daniel G. Moquin
Attorney for Intervenor on the Respondent Side
State of Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 300
P.O. Box 140855
Salt Lake City, Utah 84114-0855
Telephone: 801-538-7227

Dated this 25th day of August, 1998.

NIELSEN & SENIOR

J. Craig Smith, Esq.

Scott Ellsworth, Esq.

David B. Hartvigsen, Esq.

By David B. Hartvigsen
Attorney for Petitioners North Emery Water Users
Association and Huntington-Cleveland Irrigation
Co.

1100 Eagle Gate Tower

60 East South Temple

Salt Lake City, Utah 84111

Telephone: 801-532-1900

Dated this 27 day of August, 1998.

LAW OFFICES OF F. MARK HANSEN

F. Mark Hansen, Esq.

By Mark Hansen
Attorney for Intervenor on the Respondent Side
C.W. Mining Company dba Co-Op Mining Co.
404 East 4500 South, Suite B-34
Salt Lake City, Utah 84107
Telephone: 801-266-2882

Dated this 26th day of August, 1998.

APPEL & WARLAUMONT

Jeffrey W. Appel, Esq.

By Jeffrey W. Appel
Attorney for Petitioner Castle Valley Special
Service District
1100 Boston Building, 9 Exchange Place
Salt Lake City, Utah 84111
Telephone: 801-532-1252

FINAL ORDER OF THE UTAH SUPREME COURT

This Final Order of the Utah Supreme Court in Supreme Court Case No. 980174 is entered based on the foregoing Stipulation and Motion for an order of dismissal with prejudice jointly filed with the Court by respondent State of Utah Board of Oil, Gas & Mining (the "Board"); intervenor on the respondent side State of Utah Division of Oil, Gas & Mining ("DOGM"); intervenor on the respondent side C.W. Mining Co. dba Co-Op Mining Company (the "Operator"); petitioner Castle Valley Special Service District (the "Service District"); petitioner North Emery Water Users Association ("Water Association"); and petitioner Huntington-Cleveland Irrigation Company (the "Irrigation Company"). The Service District, the Water Association and the Irrigation Company collectively are referred to in this Final Order as the "Water Users." The Court finds that the Water Users have appealed from that certain "Final Board Order on the Collateral Estoppel Question" issued March 6, 1998 by the Board in that certain formal adjudicative administrative matter styled as, "In the Matter of the Five Year Permit Renewal, Co-op Mining Company, Bear Canyon Mine, Emery County, Utah, Docket No. 95-025, Cause No. ACT/015/025 (the "Final Board Order"). Based on the terms of the Stipulation and Motion, and acting pursuant to Rule 37(b) of the Utah Rules of Appellate Procedure, and for good cause shown, the undersigned Clerk of the Utah Supreme Court hereby enters this Final Order as follows:

The Water Users' appeal concerning the Final Board Order is and shall be immediately dismissed with prejudice and on the merits, with the parties to bear their respective attorneys fees and costs. Case closed.

Dated this 31st day of August, 1998.

UTAH SUPREME COURT

By Patricia Bartholomew


Patricia Bartholomew

Clerk of the Utah Supreme Court

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing "JOINT STIPULATION, MOTION AND FINAL ORDER OF DISMISSAL OF APPEAL WITH PREJUDICE" in Utah Supreme Court Case No. 980174 to be mailed or faxed, postage prepaid, on the 2nd day of September, 1998, to the following:

Patrick J. O'Hara, Esq. Assistant Attorney General Attorney to the Board of Oil, Gas & Mining 160 East 300 South, 5 th Floor P.O. Box 140857 Salt Lake City, UT 84114-0857	Daniel G. Moquin, Esq. Assistant Attorney General Attorney for Division of Oil, Gas and Mining Utah Attorney General's Office 1594 West North Temple, Suite 300 P.O. Box 140855 Salt Lake City, Utah 84114-0855
J. Craig Smith, Esq. Scott Ellsworth, Esq. David B. Hartvigsen, Esq. Nielsen & Senior Attorneys for North Emery Water Users Association and Huntington-Cleveland Irrigation Co. 1100 Eagle Gate Tower 60 East South Temple Salt Lake City, Utah 84111	Jeffrey W. Appel, Esq. Appel & Warlaumont Attorneys for Castle Valley Special Service District 1100 Boston Building 9 Exchange Place Salt Lake City, Utah 84111
F. Mark Hansen, Esq. Attorney for Co-Op Mining Co. 404 East 4500 South, Suite B-34 Salt Lake City, Utah 84107	Carl E. Kingston, Esq. Attorney for Co-Op Mining Co. 3212 South State Street Salt Lake City, Utah 84115



**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

**IN THE MATTER OF THE FIVE YEAR
PERMIT RENEWAL, CO-OP MINING
COMPANY, BEAR CANYON MINE,
EMERY COUNTY, UTAH**

**CAUSE NO. ACT/015/025
DOCKET NO. 95-025**

ORDERS

ORDER#	DATE	DESCRIPTION
#1	2/23/96	ORDER GRANTING TEMPORARY RELIEF AND REMANDING FOR AN INFORMAL CONFERENCE
#2	10/15/97	STIPULATION, MOTION AND ORDER FOR PRE- HEARING SCHEDULING AND DISCOVERY ORDER
#3	2/12/98	ORDER FOR EXTENSION OF TIME